

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DARREN GILBERT,

Plaintiff,

v.

ABDO M. ALSAMIRI and TALAL A.
OBAID,

Defendants.

Case No. 1:22-cv-00481-JLT-HBK

ORDER VACATING INITIAL
SCHEDULING CONFERENCE

ORDER SETTING DEADLINE TO FILE
MOTION FOR DEFAULT JUDGMENT OR
SHOW CAUSE

DECEMBER 22, 2022 DEADLINE

This matter comes before the court sua sponte. On August 2, 2022, Plaintiff requested entry of default as to Defendants Abdo M. Alsamiri and Talal A. Obaid. (Doc. No. 6). A Clerk's Entry of Default was entered the same day. (Doc. No. 7). Over three months have passed and Plaintiff has not moved for default judgment under Fed. R. Civ. P. 55(b)(2). Although Rule 55(b) does not specify a time within which a plaintiff must move for a default judgment, Rule 1 places an affirmative duty on both the court and counsel to ensure the "just, speedy, and inexpensive" determinations of federal cases. Fed. R. Civ. P. 1; *see Harvey v. United States*, 685 F.3d 939, 946 (10th Cir. 2012) (a plaintiff must promptly move for default judgment under Fed. R. Civ. P. 55); *see also Branded Online Inc. v. Holden LLC*, No. SA CV 15-0390-DOC (DFMx), 2016 WL 8849024, at *1 (C.D. Cal. Jan. 8, 2016) (requiring plaintiff to file Rule 55(b)(2) motion by date

specific or face dismissal).

Accordingly, it is **ORDERED**:

1. In light of the Clerk's Entry of Default, the Initial Scheduling Conference Set for January 19, 2023 at 10:00 AM (Doc. No. 3) is VACATED.
2. If Plaintiff so desires, Plaintiff shall file a motion for default judgment pursuant to Rule 55(b)(2) **on or before December 22, 2022** or show cause why the Court should not dismiss this action for failure to prosecute.

Dated: November 22, 2022


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE